

City Council Introduction: **Monday**, August 5, 2002
Public Hearing: **Monday**, August 12, 2002, at **5:30 p.m.**

Bill No. 02R-161

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1981**, requested by Joel and Kathy Sartore, to preserve the W.F. Hitchcock House, a proposed landmark at 2733 Sheridan Boulevard, by using a portion of the existing garage as an apartment for an employee or employees engaged in the upkeep of the premises.

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUESTS: Change of Zone No. 75HP (02-127)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/24/02
Administrative Action: 07/24/02

RECOMMENDATION: Conditional Approval (9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes').

FINDINGS OF FACT:

1. This special permit and the associated landmark designation were heard by the Planning Commission at the same time.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5, concluding that if the Hitchcock House is designated as a Landmark (Change of Zone No. HP75), then approval of this special permit under § 27.63.400 (Special Permit: Historic Preservation) appears to be consistent with the Zoning Code and with the Comprehensive Plan.
3. The applicant's testimony and that of Ed Zimmer, the historic preservation planner, is found on p.6-7.
4. There was no testimony in opposition.
5. On July 24, 2002, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated July 12, 2002. The conditions of approval are found on p.5.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 30, 2002

REVIEWED BY: _____

DATE: July 30, 2002

REFERENCE NUMBER: FS\CC\2002\SP.1981

W44

DATE: July 12, 2002

GENERAL INFORMATION:

RECOMMENDATION:	Conditional approval
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HISTORY: Development of Sheridan Blvd. began in 1909 from South to Lake Streets. The immediate area of Hitchcock House was platted in 1916. The house and garage were built in 1922 by contractor Peter Hansen from designs by architect Jesse B. Miller. The house has had a succession of prominent occupants including auto dealer W. F. Hitchcock, businessman Fred Sidles, and attorney Philip Aitken. Structural evidence makes it clear that the upper floor of the garage has been used as an apartment; most likely it was built as such. Long-time neighbors recall its occupancy by household staff and by family members.

UTILITIES: This area is served by all City utilities.

PUBLIC SERVICE: This area is served by all City public services.

AESTHETIC CONSIDERATIONS:

This handsome house stands on one of the longer frontages along Sheridan Blvd., in the heart of that potential historic district. Approval of the special permit would assist the owners in maintaining the property, the historic character of which would be protected by the preservation guidelines and design review process of the accompanying landmark designation.

ALTERATIVE USES:

Permitted uses in the R-1 district for a property of this size include single and two family dwellings and a variety of public uses.

ASSOCIATED APPLICATIONS:

Landmark designation CZHP75, to declare the W. H. Hitchcock House as a landmark under Chapter 27.57 of the Zoning Code.

ANALYSIS:

This request to rehabilitate and use the garage apartment on this property could be made under section 27.63.640 of the Zoning Code ("Permitted Special Use: Dwelling Units for Domestic Employees in Accessory Buildings") but instead is made under 27.63.400 ("Permitted Special Use: Historic Preservation") in recognition and protection of the historic character of the property.

Lincoln Municipal Code Section 27.63.400 states, in part:

In any zoning district a special permit may be granted to allow the preservation of a historic structure or site and the reuse thereof. This permit shall be limited to structures or sites designated as landmarks under Chapter 27.57.

(a) The City Council may approve, by special permit, any use of a historic structure or site in any zoning district after review and consideration of the following:

(1) The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;

(2) The extent to which economic factors necessitate the

change in use;

(3) The extent of proposed exterior change to the structure or site;

(4) The impact on the surrounding area;

(5) The compatibility of the proposed use to the structure or site and the surrounding area; and

(6) The manner in which the public will be benefitted by such proposed use.

The first consideration of 27.63.400--the significance of the structure, will be answered by actions on the associated application, CZHP75. Staff recommends that the Hitchcock House appears to meet the criteria for landmark designation, as one of the finest Colonial Revival style house in the city, and one associated with a succession of prominent residents.

Regarding the second point for consideration raised by 27.63.400--the degree of variation between the requested use and uses allowed in the district--the site is large enough in area and in frontage to allow a duplex use. Instead the owners wish to be allowed to rehabilitate and use the historic apartment of the garage, and are willing to stipulate a condition that the whole premise meet the zoning code's definition of "family" (27.03.220)--in other words that the garage not be occupied by more than two individuals not related by blood, marriage or adoption to the principal family in the main house. The total use of the premise would therefore arguably be less intensive than the permitted use of premise for two-family (duplex) use.

The degree to which economic factors necessitate the proposed change is probably also modest. The applicants simply point out that this is a large property with considerable historic landscaping that has required and will continue to require extensive efforts to restore and maintain. The tenant or tenants of the garage apartment would assist with these efforts.

No exterior or site changes are proposed in association with this application. Egress from the apartment would be provided within the structure of the garage. No signs are requested or planned.

The proposal's impact on the surrounding area seemingly would be slight, considering the size of the parcel and the ample parking already available. The impact may be beneficial through the apartment occupant's work on the grounds.

Another question posed by section 27.63.400 is the compatibility of the proposed use with the surrounding uses. Since the proposal is residential, and the site seems large enough to absorb the impact of an additional residence (and is deemed large enough for a duplex by the zoning code), the requested use seems compatible.

Finally, the zoning code asks the public benefit of the proposal. The principal benefit probably would be the improved maintenance of a large and prominent historic property. A second benefit may be the landmark designation and accompanying protection of a significant site, through the incentive of the landmark special permit. Finally, historic buildings typically are best preserved when well utilized. Re-establishing the historic apartment in the garage should serve to maintain that building and the whole site.

Recommended finding: 1) The proposed garage apartment appears to be comparable in intensity to uses currently permitted by right on the property.
2) Heightened maintenance of a historic house and property are always desirable.

STAFF RECOMMENDATION:

That the Commission recommend approval of the requested garage apartment to the City Council, with the following conditions:

CONDITIONS:

Site Specific:

1. This approval permits the use of the upper floor of the garage on the Hitchcock House property for a residence for a person or persons employed in the upkeep of the premises.
2. The whole premises shall meet the definition of “family” specified in LMC 27.03.220.

General:

3. The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the apartment, all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 4.3 The site plan accompanying this permit, approved by the City Council represents the official approved permit, and shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, etc.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Edward F. Zimmer, Ph.D.
Planner II

**CHANGE OF ZONE NO. 75HP
FOR A LOCAL LANDMARK DESIGNATION
and
SPECIAL PERMIT NO. 1981**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Staff recommendation: Approval of the landmark designation and conditional approval of the special permit.

Proponents

1. **Katie Harr**, who has worked for applicants for three years, appeared to answer any questions.
2. **Ed Zimmer** of the Planning Department showed photographs of the home and advised that the Historic Preservation Commission has reviewed these applications and recommends approval. The property has had a succession of prominent owners; it has strong architectural characteristics and strong characteristics of early landscape features, including a wall fountain. There is a matching carriage house that originally had an apartment above and it is that apartment which the applicants wish to re-institute use of through the landmark special permit. The permit is conditioned on the residents of the apartment being employed in the upkeep of the property and that the whole premise be regarded as meeting the family definition of the zoning code, with primary family in main house and no more than two unrelated individuals in the apartment.

Harr showed a sketch of the property and demonstrated that the carriage house is shielded from the view of the street and sort of connected to the house by the driveway. It is not the kind of property that could be wisely subdivided. The Sartores have been working on restoring the property for several years. They do not plan to make any exterior changes to the main house or the carriage house in the upcoming years. It is not an apartment that will be rented out to anyone other than someone employed in the upkeep of the property. A couple of people in the neighborhood have asked for covenants that the property never be subdivided. The Sartores have expressed an intent to go along with the conditions of the permit and perhaps enter into such covenants.

Bills-Strand inquired about the restriction on the tenant of the apartment being “employed in upkeep of the premises”. She believes this prevents the tenant from being a nanny. Zimmer advised that the permit is being brought forward as requested by the applicants. The applicants wanted a restrictive request and this is the specific request that was made.

With regard to the neighbors’ concern about subdividing, Schwinn noted that the lot is already subdivided. Zimmer added that the present owners’ feelings about the property are strong and they

would like to see it move forward as one parcel. They might take private action as far as the covenants are concerned, but that is separate from what is before the Commission.

Harr added that Joel Sartore did speak with a number of the neighbors and did not encounter any opposition. There are no plans to sell the property anytime soon.

There was no testimony in opposition.

Public hearing was close.

CHANGE OF ZONE NO. 75HP

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 24, 2002

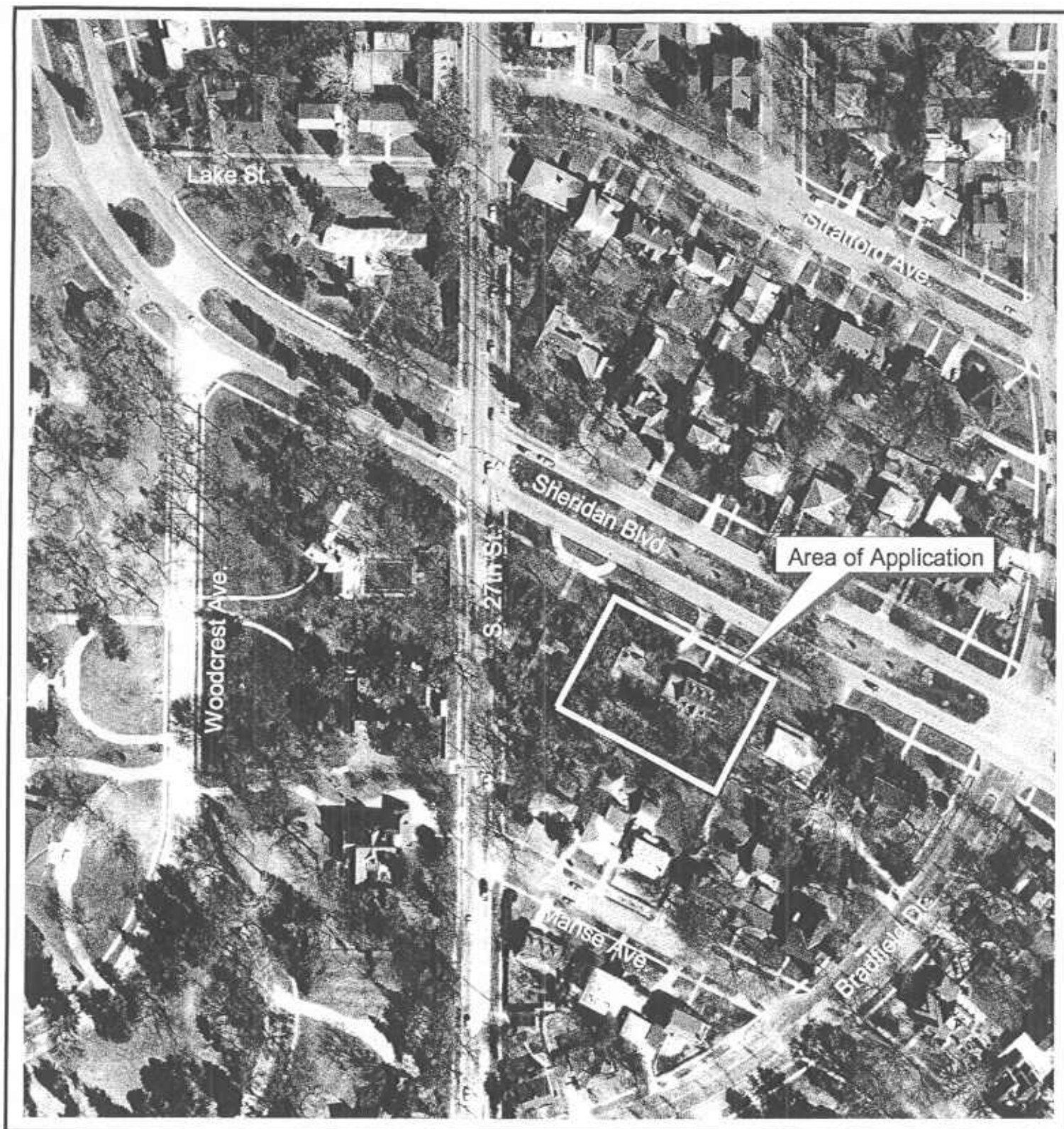
Carlson moved approval, seconded by Newman and carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'.

SPECIAL PERMIT NO. 1981

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 24, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Carlson and carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'



**Change of Zone #75HP
Special Permit #1981
S. 27th & Sheridan Blvd
W. F. Hitchcock House**



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Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

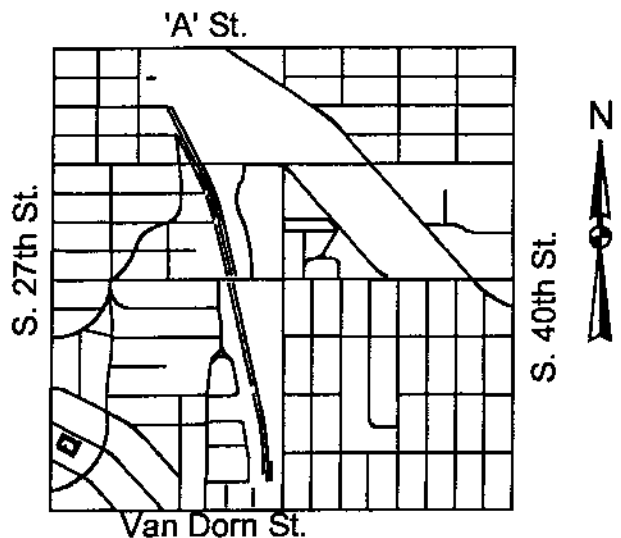
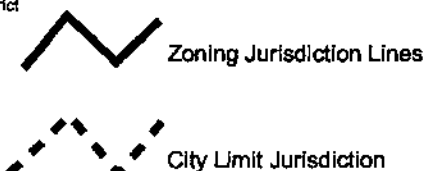


**Change of Zone #75HP
Special Permit #1981
S. 27th & Sheridan Blvd
W. F. Hitchcock House**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 31 T10N R7E



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